

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	RM 11311
)	
Amendment of Parts 22 and 90 of the)	
Commission's Rules to Reallocate Certain 150)	
MHz Public Mobile Radio Service Frequencies)	
To the Public Safety Radio Services)	

To: The Commission

**COMMENTS OF THE STATE OF TEXAS;
TEXAS DEPARTMENT OF TRANSPORTATION,
RADIO OPERATIONS BRANCH**

The State of Texas; Texas Department of Transportation, Radio Operations Branch wishes to beg the forgiveness of the Commission in their late submission of favorable comments in support of the Petition for Rulemaking filed by ICOM American, RM-11311. RM-11311 only recently became known to us and we feel very strongly that we should file supporting comments concerning this matter with the Commission.

RM-11311 proposes to reallocate certain 150 MHz frequencies of the Part 22 Public Mobile Radio Frequencies (18 pairs and 4 unpaired frequencies) to the Public Safety Radio Pool, Part 90.20(c).

These frequencies are ones that have not been sold at auction and have been in various levels of dis-use for a number of years around the United States and it would best serve the public safety agencies of the United States if the concerned frequencies were re-allocated to the part 90.20(c) frequency pool for use by agencies such as TxDOT.

**STATE OF TEXAS; TEXAS DEPARTMENT OF TRANSPORTATION,
RADIO OPERATION BRANCH**

The Texas Department of Transportation (TxDOT), Radio Operations Branch is the office responsible for business conducted with the FCC concerning the planning, coordination, application and management of licenses and frequencies for TxDOT.

Currently, TxDOT is in desperate need of additional VHF Highband (150 MHz) spectrum due to a major project of migration from VHF Lowband frequencies (47 MHz) to VHF Highband frequencies (150 MHz) statewide. In this migration, it has become very difficult if not impossible to coordinate and license 150 MHz frequencies in some areas of the State of Texas. These areas are mostly in the metropolitan areas of Austin, Houston and Dallas, as well as along the borders of the state with Oklahoma and Louisiana.

**REALLOCATING PART 22, 150 MHZ FREQUENCIES TO
THE PUBLIC SAFETY RADIO POOL**

In the State of Texas, the majority of the public safety users with which TxDOT interoperates with use 150 MHz. Of the 254 counties in Texas, over 80% of public safety agencies use 150 MHz. This has mandated the migration of TxDOT to the 150 MHz VHF Highband in order to be interoperable with as many other agencies in Texas as possible. At this time TxDOT is about 40% complete in this migration and in some areas it will be very difficult, if not impossible to continue with the 150 MHz expansion unless additional spectrum is identified and obtained.

Thus, the major road block at this time is and will continue to be, availability of usable spectrum unless these proposed frequencies are re-allocated to the Public Safety

Pool since the lack of usable frequencies in some areas make the 150 MHz band grid locked.

It is noted that it is possible to obtain at great expense and time, licenses through the waiver process that is allowed by section 337(c) of the commission rules. By reallocating these frequencies to the public safety pool, agencies such as TxDOT will be able to obtain licenses on 150 MHz frequencies quicker and at a much better value for the tax payer's money.

It may seem that 18 pairs and 4 unpaired frequencies may seem to not be very much, but they will help greatly when spread over a large area such as the State of Texas and its areas of frequency congestion.

IN CONCLUSION

TxDOT respectfully requests that the Commission reallocate the 150 MHz frequencies as outlined above in Sections 22.532, 22.561 and 90.20 of its rules to allow their use by agencies such as TxDOT to provide safe and reliable communications in its duties managing highways and roads of the State of Texas.

Respectfully Submitted,

A handwritten signature in black ink that reads "Henry H. Wickes". The signature is written in a cursive, slightly slanted style.

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